

REMARKS

The Office Action mailed November 28, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 19 and 21-40 are now pending in this application. Claims 19, and 21-23 stand rejected. Claims 24-38 are withdrawn from consideration. Claim 39 and 40 are newly added claims. No new matter has been added by the above amendment.

The rejection of Claims 19 and 21-23 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

The Examiner alleges that the claims contain subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner alleges that “[i]t is not seen where, in the originally filed specification, there is basis for an air mattress, that is removably insertable into the enclosure bag 56, as having a perimeter with a fastener to releasably fasten the perimeter of the air mattress to the sleeping bag.”

Claim 19 has been amended to recite a sleeping structure including “a sleeping bag comprising: a top layer having a top layer opening edge and a top layer sealed edge; and a bottom layer having a bottom layer opening edge and a bottom layer sealed edge; a first fastener releasably fastening said top layer opening edge and said bottom layer opening edge at a first attachment site; an enclosure bag defining a mouth; a second fastener fastening said enclosure bag to said sleeping bag; and an air mattress including an inflatable portion, said air mattress removably inserted into said mouth.”

Support for such amendment is found throughout Applicant's specification and Figures 3A-3E. For example, referring to originally filed Figures 3A-3C, the air mattress 14 is removable from an enclosure bag 56. In this case, the enclosure bag 56 may be permanently attached to the sleeping bag 12, It is also possible that the sleeping bag top layer 20 and bottom layer 22 are detachable from the enclosure bag 56, in order to allow it to be washed or removed for weight considerations. See paragraph [0025] of Applicant's specification.

Applicant submits that the above amendment and remarks overcome the rejection of Claims 19, and 21-23. Accordingly, Applicant respectfully requests that the Section 112, first paragraph, rejection of Claims 19 and 21-23 be withdrawn.

The rejection of Claims 19 and 21-23 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

The Examiner alleges that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner alleges that “[i]t is not clear how a second fastener fastens the perimeter of the air mattress to the enclosure bag or the sleeping bag.”

By the above amendment, Claim 19 has been amended to recite a sleeping structure including “a sleeping bag comprising: a top layer having a top layer opening edge and a top layer sealed edge; and a bottom layer having a bottom layer opening edge and a bottom layer sealed edge; a first fastener releasably fastening said top layer opening edge and said bottom layer opening edge at a first attachment site; an enclosure bag defining a mouth; a second fastener fastening said enclosure bag to said sleeping bag; and an air mattress including an inflatable portion, said air mattress removably inserted into said mouth.”


As set forth above, support for such amendment is found throughout Applicant’s specification and the figures, for example, at paragraph [0025] and Figures 3A-3E.

Applicant submits that the above amendment and remarks overcome the rejection of Claims 19, and 21-23. Accordingly, Applicant respectfully requests that the Section 112, second paragraph, rejection of Claims 19, and 21-23 be withdrawn.

Newly added Claims 39 and 40 depend from independent Claim 19. When the recitations of these claims are considered in combination with the recitations of Claim 19, Applicant submits that Claims 39 and 40 likewise are patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eric T. Krischke", is positioned above a horizontal line.

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